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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/568,045

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Hiroshi Hamasaka

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EXAMINER

TEKLE, DANIEL T

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/568,045	HAMASAKA ET AL.	
	Examiner	Art Unit	
	DANIEL TEKLE	2481	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/13/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 12 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical “things.” They are neither computer components nor statutory processes, as they are not “acts” being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program’s functionality to be realized. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

Claim 13 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Based upon consideration of all of the relevant factors with respect to the claim as a whole claims 1-8 and 21-23 held to claim an abstract idea, and is therefore rejected as ineligible subject matter under U.S.C. 101. The rationale for this finding is: For example, (1) a method, comprising: playback a digital stream, judging whether there is a playback control that becomes enabled or disable, steps are each of sufficient breadth that each would be reasonably interpreted as a series of steps completely performed mentally, verbally or without a machine. The claim discloses "whether the playback control is enabled or disabled is displayed on the

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operation device"; while this limitation appears to explicitly recite the use of machine, this limitation appears to be insignificant extra-solution activity as said activity is not central to the purpose of the method.

1. **Claim 14** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
2. The claim recites, *inter alia*, "A computer readable storage medium having a computer readable program stored thereon that is ..." After close inspection, the Examiner respectfully notes that the disclosure, as a whole, does not specifically identify what may be included as a computer readable storage medium and what is not to be included as a computer readable storage medium.
3. An Examiner is obliged to give claims their broadest reasonable interpretation consistent with the specification during examination. The broadest reasonable interpretation of a claim drawn to a computer readable medium (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals *per se* in view of the ordinary and customary meaning of computer readable media, particularly when the specification is silent. See MPEP 2111.01. When the broadest reasonable interpretation of a claim covers a signal, *per se*, the claim must be rejected under 35 U.S.C. § 101 as covering non-statutory subject matter.
4. Therefore, given the silence of the disclosure and the broadest reasonable interpretation, the computer readable storage medium of the claim may include

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transitory propagating signals. As a result, the claim pertains to non-statutory subject matter.

5. However, the Examiner respectfully submits a claim drawn to such a computer readable medium that covers both transitory and non-transitory embodiments may be amended to narrow the claim to cover only statutory embodiments to avoid a rejection under 35 U.S.C. § 101 by adding the limitation “non-transitory” to the claim. Such an amendment would typically not raise the issue of new matter, even when the specification is silent because the broadest reasonable interpretation relies on the ordinary and customary meaning that includes signals *per se*. For additional information, please see the Patents’ Official Gazette notice published February 23, 2010 (1351 OG 212).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-6, 8-9 and 11-14 rejected under 35 U.S.C. 102(e) as being anticipated by Kanazawa et al. (US 6,580,870).

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Regarding Claim 1: Kanazawa et al. discloses a playback apparatus comprising: a playback unit operable to play back a digital stream recorded on a recording medium **(column 10 lines 63-67: the image display apparatus comprises a DVD drive 111 for reading the data recorded on a DVD medium)**; a judging unit operable to judge whether there is a playback control that becomes enabled or disabled **(column 5 line 64 to column 6 line 13: parental control ranges, level 1 to level 8, and a playback control (or playback limit) applied to a digital image based on level set; column 13 lines 29-49: The PCI pack is used to change angles in multiangle playback or to display highlight information for executing a navigation command (e.g., a button command) according to the instruction given by the user)**, when a current playback point in a playback timeline of the digital stream reaches a predetermined point **(column 13 lines 29-49: The PCI pack is used to change angles in multiangle playback or to display highlight information for executing a navigation command (e.g., a button command) according to the instruction given by the user)**; and a transmission unit operable to, when a result of the judging is affirmative, transmit information relating to the playback control to an operation device, wherein whether the playback control is enabled or disabled is displayed on the operation device in accordance with the transmitted information **(column 5 line 64 to column 6 line 13: parental control ranges, level 1 to level 8, and a playback control (or playback limit) applied to a digital image based on level set; 81: The PCI pack is used to change angles in multiangle playback or to display highlight information for**

executing a navigation command (e.g., a button command) according to the instruction given by the user).

Regarding Claim 2: Kanazawa et al. discloses a playback apparatus according to claim 1, wherein the transmitted information is composite display information for composing an interactive display in which a plurality of buttons are arranged **(column 13 lines 29-49: The PCI pack is used to change angles in multiangle playback or to display highlight information for executing a navigation command (e.g., a button command) according to the instruction given by the user)**, each of the buttons corresponds to a different one of a plurality of playback controls, and whether each of the playback controls is enabled or disabled is represented by setting a button corresponding to an enabled playback control to an available state, and setting a button corresponding to a disabled playback control to an unavailable state **(column 13 lines 29-49: The PCI pack is used to change angles in multiangle playback or to display highlight information for executing a navigation command (e.g., a button command) according to the instruction given by the user. [Claim limitation enabled or disabled reads, whether playback multiangle or not according user setting])**.

Regarding Claim 3: Kanazawa et al. discloses a playback apparatus according to claim 2, wherein the composite display information includes pieces of event information each corresponding to a different one of the buttons, and each piece of event information indicates an event to be outputted from the operation device upon an operation of the corresponding button by a user **(column 13 lines 29-49: The PCI pack**

is used to change angles in multiangle playback or to display highlight information for executing a navigation command (e.g., a button command) according to the instruction given by the user).

Regarding Claim 4: Kanazawa et al. discloses a playback apparatus according to claim 2, further comprising: a memory that holds pieces of the composite display information in advance (**fig. 17: MEM 12**), wherein each piece of the composite display information includes a piece of effective section information specifying an effective playback section during which the interactive display is effective (**column 13 line 64 to column 14 line 7: When the button has been selected, the corresponding HTML contents are externally acquired by the execution of the command and displayed on the screen**), the effective playback section being one of a plurality of playback sections in the digital stream, the predetermined point is at a head of one of the playback sections (**column 13 lines 29-49: Each cell is composed of a large number of video object units, with a navigation pack (NAVI) at the head**), and the judging is performed by searching the memory for a piece of effective section information indicating the playback section in which the predetermined point is located (**column 13 lines 29-49: The DSI pack is used as search information for the reproduce start address**).

Regarding Claim 5: Kanazawa et al. discloses a playback apparatus according to claim 2, wherein the composite display information is either (i) read from the recording medium, upon loading of the recording medium, into a memory provided in the playback apparatus (**column 14 lines 40-53: user presses a Web display key on a remote**

control unit to specify the interlocking display of HTML contents), or (ii)

downloaded from a server apparatus on a network to the memory (**column 14 lines 40-53: the HTML contents related to the moving picture presently being reproduced are automatically acquired from an external WWW server and displayed on the screen).**

Regarding Claim 6: Kanazawa et al. discloses a playback apparatus according to claim 1, wherein the recording medium is recorded with pieces of playback section information each specifying a different one of a plurality of playback sections, each piece of playback section information includes a flag indicating whether a playback control is enabled or disabled in the corresponding playback section (**column 13 lines 29-49: The PCI pack is used to change angles in multiangle playback or to display highlight information for executing a navigation command (e.g., a button command) according to the instruction given by the user. [Claim limitation enabled or disabled reads, whether playback multiangle or not according user setting]**), the predetermined point is at a head of one of the playback sections (**column 13 lines 29-49: Each cell is composed of a large number of video object units, with a navigation pack (NAVI) at the head), and the judging is performed by referring to the flag in a piece of playback section information corresponding to the playback section in which the predetermined point is located (column 12 line 67 to column 13 line 14: The pre-command is used for initial setting before the reproduction of a PGC. The post-command is a navigation command group to be executed when all the cells in the PGC have been reproduced).**

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Regarding Claim 8: Kanazawa et al. discloses a playback apparatus according to claim 6, wherein the playback control is skip play, the flag indicates whether a request for the skip play is masked **(column 13 lines 29-49: The DSI pack is used as search information for the reproduce start address in special playback, such as fast-forward or rewind).**

Regarding Claim 9: Kanazawa et al. discloses a playback apparatus according to claim 6, wherein the playback control is one of fast-forward and fast-rewind, the flag indicates whether a request for the one of fast-forward and fast-rewind is masked **(column 13 lines 29-49: The DSI pack is used as search information for the reproduce start address in special playback, such as fast-forward or rewind).**

Regarding Claim 11-14: Claim 11-14 reject for the same reason to claim 1 as discussed above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Kanazawa et al.

Regarding Claim 7: Kanazawa et al. discloses a rejected playback apparatus according to claim 6, further Kanazawa et al. discloses wherein the playback control is

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angle change, the flag indicates whether a request for the angle change is masked **(column 13 lines 29-49: The PCI pack is used to change angles in multiangle playback or to display highlight information for executing a navigation command (e.g., a button command) according to the instruction given by the user).**, the each piece of playback section information further includes another flag indicating whether the corresponding playback section is multi-angle **(column 13 lines 29-49: The PCI pack is used to change angles in multiangle playback or to display highlight information for executing a navigation command (e.g., a button command) according to the instruction given by the user)**; however Kanazawa et al. fail to explicitly teach the judging is performed by taking a logical sum of the two flags.

Official Notice is taken that both the concept and the advantage of using a logical sum **are well known and expected in the art. Thus, it would have been obvious to one skilled in the art, at the time of the applicant's invention,** to utilize said feature within said system taught by Kanazawa et al., **because** such incorporation would result in a change in multiangle playback based on a logical sum obtained by both the system using the threshold value and the system using the maximum value.

Regarding Claim 10: Kanazawa et al. discloses a playback apparatus according to claim 1, wherein the predetermined point is a point where an interactive control segment exists in the digital stream, the judgment is performed by taking a logical sum **(See the similar official Notice rejection to claim 7)** of a flag in the interactive control segment corresponding to the current playback point and a flag in a piece of playback section information that has been read into the playback apparatus **(column 13 lines 29-49:**

The PCI pack is used to change angles in multiangle playback or to display highlight information for executing a navigation command (e.g., a button command) according to the instruction given by the user).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter-Anthony Pappas can be reached on 571-272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 2481

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